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IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

FILED
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RICARDO R. ROOPER, CLERK
D.C.

ELIZABETH ANNETTE MORRISON, a/k/a)
ELIZABETH ANNETTE LOPEZ, deceased,)
by and through MICHAEL PAUL MORRISON,)
Administrator of the Estate of)
Elizabeth Annette Morrison a/k/a)
Elizabeth Annette Lopez; and)
MICHAEL PAUL MORRISON, Administrator)
of the Estate of Elizabeth Annette Morrison a/k/a)
Elizabeth Annette Lopez,)

Case No.: 19c229

Plaintiffs,

vs.

FOOTPRINTS TO RECOVERY;)
M. LEE BARRETT, JR., a/k/a MALCOM LEE)
BARRETT, JR., individually and d/b/a Barrett)
Realty Company; and PAMELA K. BARRETT,)
individually and d/b/a Barrett Realty Company.)

Defendants.

COMPLAINT

NOW COMES the Plaintiffs, Elizabeth Annette Morrison a/k/a Elizabeth Annette Lopez, deceased, by and through Michael Paul Morrison, Administrator of the Estate of Elizabeth Annette Morrison a/k/a Elizabeth Annette Lopez, by and through counsel, David E. High, Esq., of High Law Office, PLLC, and for their cause of action against the above-named Defendants, would show unto this Honorable Court the following:

1. The Plaintiff, Elizabeth Annette Morrison a/k/a Elizabeth Annette Lopez ("Decedent") was a citizen and residence of Davidson County, Tennessee.

2. The Decedent, Elizabeth Annette Morrison a/k/a Elizabeth Annette Lopez, died on or about February 14, 2018, in a fire in Davidson County, Tennessee at a facility located at

414 Southwood Drive, Nashville, Tennessee 37217, which was owned by Defendants M. Lee Barrett, Jr. a/k/a Malcom Lee Barrett, Jr. and Pamela Barrett and operated by Defendant Footprints to Recovery.

3. The Decedent was survived by her son Logan David Hannah, a minor, who resides in Davidson County, Tennessee.

4. Michael Paul Morrison is the father of Decedent and has been appointment by the Seventh Circuit Court for Davidson County, Tennessee, Probate Division, to serve as the administrator of the Estate of Elizabeth Annette Morrison a/k/a Elizabeth Annette Lopez, and has been issued Letters of Administration.

5. Michael Paul Morrison, administrator, is authorized to bring this cause of action for the wrongful death of his daughter, Elizabeth Annette Morrison a/k/a Elizabeth Annette Lopez, pursuant to TCA§20-5-107(a).

6. The Decedent was married to Silvestre Lopez on or around January, 2002. The Decedent had been separated and estranged from Silvestre Lopez since on or before 2004. Silvestre Lopez abandoned the Decedent and willfully withdrew from the relationship and failed and neglected to provide any support to the Decedent for many years. If the marriage to Silvestre Lopez has not been dissolved, then Silvestre Lopez is still not entitled to any recovery in this matter pursuant to TCA§20-5-106(c) and TCA§20-5-107(e)(1), as Mr. Lopez had abandoned the Decedent and had willfully withdrawn from their relationship and failed or neglected to provide support for more than two (2) years. Pursuant to said Statutes, Mr. Lopez has waived his right to institute a claim for the wrongful death of Decedent and cannot collect any proceeds from the Decedents wrongful death. All proceeds from the Decedents wrongful death would go to her son, Logan David Hannah, a minor.

7. Silvestre Lopez abandoned the Decedent or otherwise willfully withdrawn for two years. Silvestre Lopez abandoned the Decedent or turned her out of doors for no just cause and has refused or neglected to provide for her while having the ability to so provide for over two years. Over two years has passed since the abandonment or willful withdraw, creating a reputable presumption of abandonment under TCA§20-5-106(c)(2) and TCA§20-5-107(e)(2). Silvestre Lopez has waived his right to institute or collect any proceeds from this cause of action under TCA§20-5-106(c)(1) and TCA§20-5-107(e)(1).

8. Silvestre Lopez's last known address is 4751 Bowfield Drive, Antioch, Tennessee 37013. On information and belief, he likely is residing in Mexico.

9. Footprints to Recovery ("Footprints") is a nonprofit corporation with its principle business address of 414 Southwood Drive, Nashville, Tennessee 37217, and the agent for service of process is Phyllis Abuan, 307 Bowwood Drive, Nashville, Tennessee 37217-2301.

10. Footprints to Recovery operated a sober living facility located at 414 Southwood Drive, Nashville, Tennessee 37217. The Decedent was a paying tenant at this facility.

11. M. Lee Barrett, Jr. a/k/a Malcom Lee Barrett, Jr. and Pamela K. Barrett are the owners of the real property and improvements located at 414 Southwood Drive, Nashville, Tennessee 37217, where the sober living facility was operated by Footprints to Recovery. The Barretts are citizens of Davidson County, Tennessee, and do business as Barrett Realty Company at 417 Welshwood Drive, Suite 203, Nashville, Tennessee 37211.

12. Upon information and belief, Footprints to Recovery leased the above-referenced premises from the Barretts and/or Barrett Realty Company. The Barretts were the landlords of Footprints. The Decedent was a residential tenant of Footprints.

13. On or about February 14, 2018, the Decedent was a resident at Footprints to Recovery residential sober living facility on Southwood Drive. She died in a fire at said premises along with two other residents.

14. This tragedy was caused by reckless and negligent failure of the named Defendants both jointly and severally. All of the Defendants knew, or should have known, that the subject property was dangerously overcrowded, did not have proper means of ingress and egress, including entries, exits and available stairs, in light of the number of residents living there, was being utilized in an improper manner to accommodate the excessive occupancy, did not have properly functioning smoke detectors and/or other code violations that made the subject property unsafe for inhabitation as a sober living facility or otherwise. The consequence of these multiple negligent and reckless acts and omissions of Defendants culminated in the wrongful deaths of three inhabitants that evening, including this Deceased Plaintiff.

15. The Defendants all negligently and recklessly failed to maintain the facility in a safe condition.

16. The facility did not have any functioning smoke or fire alarms. There was only one smoke alarm present but it was not functioning. Further, the premises did not have any automatic extinguishing systems, sprinklers and no fire alarms.

17. The facility negligently failed to have adequate and safe egress or fire exits available in the event of a fire. The rear deck had no exit stairs. This caused the Decedent and the other two deceased residents to become trapped in the burning house.

18. The Defendants recklessly breached their duty to maintain the premises in a safe condition for the residence, including the Decedent.

19. Defendant Footprints to Recovery had a duty to maintain a safe premise to its paying residents, including the Decedent, and breached this duty.

20. Defendant Footprints to Recovery failed to implement and orient its residents on an adequate and safe escape plan in the event of a fire and to conduct adequate and sufficient fire drills.

21. The Defendants were negligent in that they failed to install and maintain any functioning smoke alarms.

22. The Decedent and two other residents were trapped inside a bedroom at the facility due to the negligence of the Defendants and their negligent failure to have properly functioning smoke alarms and/or fire alarms, their failure to have adequate means of egress and fire exits for these residents, and their failure to maintain a safe premise.

23. The Defendants, and each of them, had a duty to comply with the requirements of the applicable building and housing codes materially affecting health and safety. The Defendants recklessly failed to comply with their statutory duties.

24. All of the Defendants individually and collectively owed a duty to Decedent, and the other residents, to provide each of them with a safe living environment.

25. The premises owned by the Barretts and leased by Footprints to Recovery at the time of the incident was defective and unsafe and imminently and inherently dangerous to human life and limb.

26. Defendants Footprints and Barrett failed and neglected, at the time of entering into the living arrangement with Decedent, or at any time thereafter, to inform or notify the Decedent of the defective and unsafe condition, but, to the contrary, falsely and negligently

implied or represented that the premises were in all respects, safe for use in the manner for which it was utilized.

27. Had Defendants Footprints and Barrett properly inspected the subject property, they either would have, or should have, known that the premises were defective, dangerous, and unsafe if and when used for the purpose for which it was promoted, rented, and delivered to Decedent, including, but not limited to, its use as a safe haven to sober living.

28. Each of the Defendants jointly and severally knew, or should have known, that the property was not fit for inhabitation in the manner it was being utilized in that it was overcrowded, did not have, in light of the number of residents living there, proper means of ingress or egress, including entries, exits and available stairs, was being utilized in an improper manner to accommodate the excessive occupancy including the creation of makeshift sleeping arrangements that resulted in the inability of residents to exit the facility in the foreseeable event of a fire, and did not have properly functioning smoke detectors.

29. The Defendants knew that the lack of functioning smoke detectors was dangerous and created a grave risk of serious harm to the residents of the premises, but consciously disregarded this grave risk of serious harm.

30. The Barretts retained the right to control the leased premises and in fact did exercise control over the leased premises. The Barretts had the duty and right to control the premises and to require and insist that the premises be safely maintained, be used in a safe manner, to limit the occupants to a safe occupancy, to require compliance with all building and fire codes, to provide proper means of ingress and egress, and properly functioning smoke detectors. The Barretts negligently and recklessly failed to comply with this duty. In failing to do so, and in allowing a tenant to engage in such unsafe practices, the Barretts negligently and

recklessly allowed the dangerous and hazardous conditions as described above to exist in the property they owned.

31. The premises did not have functioning smoke alarms and was in an unsafe and dangerous condition when it was leased by the Barretts to Footprints.

32. The Barretts knew of the intended use of the premises as a sober living facility when they leased the premises to Footprints and knew, or should have known, that the premises was unsafe and dangerous for this intended use and that the premises was unsafe for future residents and the Barretts consciously disregarded this known significant danger to the future residents, including the Decedent.

33. The Barretts own and lease numerous other properties to tenants in Davidson County, Tennessee, many of which have similar defects and code violations. The Barretts have received numerous code violations associated with their properties.

34. The Barretts made no effort to remedy the above issues prior to leasing the premises to Footprints, despite being aware of their obligation as a landlord to provide the property to tenant Footprints in a safe condition, which would include properly functioning, and a sufficient number of, smoke detectors/alarms.

35. The Barretts were aware of the above issues before they leased the premises and during the course of Footprints' tenancy and negligently made no effort to remedy the same or ensure that Footprints do so.

36. It would have been feasible for the Barretts to fix, repair, or otherwise remedy the deficiencies described above prior to leasing the facility to Footprints but they negligently failed to do so.

37. It would have been feasible for the Defendants, individually and/or collectively, to ensure that the facility was not overcrowded, used rooms only as intended, had proper means of ingress and egress, and had properly functioning smoke detectors, but they negligently failed to do so.

38. At no time did the Decedent know, or have reason to suspect, that it was dangerous for any person living on the premises.

39. As a direct result of the negligence and recklessness of the Defendants, the Decedent suffered conscious pain and suffering and mental anguish and a very painful and horrific wrongful death.

40. The Plaintiffs' seek damages for the wrongful death of the deceased Plaintiff and for the personal injuries and conscious pain and suffering and mental anguish she endured prior to her death, and for the loss of parental consortium to Logan David Hannah, the Decedents funeral and burial expenses, and all of her damages allowed by law.

41. The Defendants are guilty of reckless conduct in that this conduct constituted a gross deviation of the standard of care that should have been exercised under the circumstances. The Defendants were aware of the fact that this conduct posed a significant and unjustifiable risk of serious bodily injury and harm to others, including the Decedent, and the Defendants consciously disregarded this significant and unjustifiable risk of harm to the Decedent by failing to maintain a safe residence, violating building and fire codes, and being grossly reckless. This was a gross deviation from the ordinary standard of care that should have been exercised under the circumstances and reckless conduct.

42. The Defendants' conduct constitutes a gross deviation of the standard of care that should have been exercised under the circumstances and were grossly and recklessly negligent.

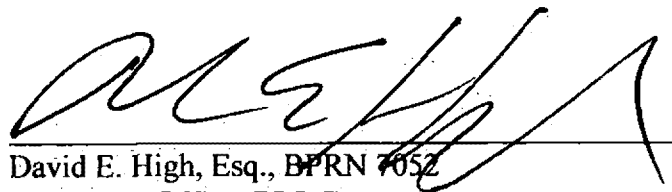
43. The actions of the Defendants justify the imposition of punitive or exemplary damages by clear and convincing evidence.

WHEREFORE, the Plaintiffs prays for the following:

1. That proper process issue and be served on the Defendants and that the Defendants be required to answer within the time prescribed by law;
2. A trial by jury;
3. A judgment for compensatory damages against the Defendants, and each of them, to be set by the said jury not to exceed \$2,500,000.00 in compensatory damages and \$2,500,000.00 in punitive damages as to each Defendant.
4. That the Plaintiffs be awarded pre-judgment interest, post-judgment interest and all costs, including discretionary costs be taxed against the Defendants; and
5. For such other, general relief as the Plaintiffs may be entitled.

DATED this 29 day of January, 2019.

Respectfully Submitted,



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